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**BROOKLYN OFFICE**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE: :  
HOLOCAUST VICTIM ASSETS :  
LITIGATION :  
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Case No. CV 96-4849 (ERK)(MDG)  
(Consolidated with CV 96-5161  
and CV 97-461)

**MEMORANDUM & ORDER**

This Document Relates to: All Cases  
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KORMAN, Chief Judge:

I am in receipt of the March 27, 2007, Report and Recommendations of the Conference on Jewish Material Claims Against Germany, Inc. for the Twenty Eighth Group of Slave Labor Class I Claims in In re Holocaust Victim Assets Litigation (Swiss Banks) ("Twenty Eighth Claims Conference Report"). The Twenty Eighth Claims Conference Report advises that in accordance with the Plan of Allocation and Distribution of Settlement Proceeds ("Distribution Plan"), my Memorandum & Order dated June 28, 2001, and my Memorandum & Order dated September 25, 2002, the Claims Conference is prepared to transfer payments to an additional 1,342 Holocaust survivors who are members of Slave Labor Class I, and to heirs of Holocaust survivors who are members of Slave Labor Class I in 26 cases.

I am advised that of the 1,342 Holocaust survivors described in the Twenty Eighth Claims Conference Report, 525 were approved for payment for slave or forced labor under the German Foundation "Remembrance, Responsibility and the Future" ("German Foundation"). In addition, 6 were approved under the Austrian Reconciliation Fund, the companion Foundation to the German Foundation responsible for processing claims from survivors who were persecuted in

certain places under Austrian control at the time of persecution. An additional 192 Holocaust survivors are known to be eligible under Slave Labor Class I based on their persecution history as documented under the Claims Conference Central and Eastern European Fund, administered under the authority of the German government. Finally, 619 Holocaust survivors are eligible under the Claims Conference Additional Labor Distribution Amount whose eligibility criteria are the same as for the Program for Slave and Forced Laborers under the German Foundation and who would otherwise have been eligible under the German Foundation but applied between the December 31, 2001 deadline of the German Foundation and May 28, 2004. Further, I have been appraised of the reasons given by these 619 Holocaust survivors for the late submission of their applications and these reasons comport with the standard of excusable neglect. Therefore, these 619 Holocaust survivors are eligible for compensation under Slave Labor Class I.

I am further advised that all of the 1,342 Holocaust survivors described in the Twenty Eighth Claims Conference Report have established that they are Jewish, and/or were, or were thought to have been, Jewish at the time of persecution, thereby meeting the definition of being victims or targets of Nazi persecution, and satisfying the eligibility requirement for compensation under Slave Labor Class I.

With regard to payments to heirs, I am advised that 32 claims will be paid in the full amount at this time to the approved heirs.

I am pleased to note that inclusive of those referred to in this Order, 172,906 Jewish members of Slave Labor Class I and their heirs have been awarded a total of \$250,707,850.

Accordingly, in anticipation of the forthcoming distribution of \$1,450 to each of the newly approved 1,342 Holocaust survivors and 32 claims from heirs who comprise this Twenty Eighth group of recipients under Slave Labor Class I, it is hereby

ORDERED that the signatories to the Settlement Fund are hereby directed to transfer \$1,983,600 from the Settlement Fund to the Claims Conference designated account to meet the projected distribution to 1,342 Holocaust survivors and 26 heirs to deceased Holocaust survivors who performed slave labor as described in the Twenty Eighth Claims Conference Report; And

ORDERED that the Claims Conference transfer funds to the 8 eligible heirs of 6 deceased Holocaust survivors who performed slave labor and that were already approved in previous Claims Conference payment groups, a total of \$8,700, already transferred from the Settlement Fund to the Claims Conference.

I will issue additional orders transferring further sums from the Settlement Fund as applications from other class members are approved.

Brooklyn, New York  
March 27, 2007

SO ORDERED:

S / Edward R. Korman

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Edward R. Korman  
United States District Judge